

REMARKS

Claims 1-3, 6-9, 11-14 and 16-18 are pending in this application. By this Amendment, claims 1, 9, 11 and 14 are amended. Support for amendments to claims 1, 9 and 14 can be found at least in Fig. 1 and the corresponding description in the specification. Claim 11 is amended for form. Thus, no new matter is added.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiners Young and Bibbins in the January 9, 2007 personal interview. Claims 1, 9 and 14 are amended to comply with the Examiner's helpful suggestions made during the interview. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

I. Claims 11 and 13 Satisfy the Requirements of 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 11 and 13 under 35 U.S.C. §112, second paragraph. Specifically, the Office Action asserts that the recitation of "flat portion" in claims 11 and 13 has insufficient antecedent basis. As discussed during the personal interview, claim 9 has been amended to include "a flat portion." Claims 11 and 13 depend from claim 9. Thus, there is sufficient antecedent basis for this feature. Therefore, claims 11 and 13 satisfy the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is thus respectfully requested.

II. The Claims Define Patentable Subject Matter

A. Claims §102(b) Rejection of Claims 1-16

The September 12, 2006 Office Action rejects claims 1-4 and 6 under 35 U.S.C. §102(b) over U.S. Patent No. 6,407,969 to Spruit; rejects claims 9, 11 and 12 under 35 U.S.C. §102(b) for U.S. Patent Application Publication No. 2002/0031070 to Hayashi; rejects claim 5 under 35 U.S.C. §103(a) over Spruit; rejects claim 7 and 8 under 35 U.S.C. §103(a) over Spruit and further in view of U.S. Patent No. 6,795,389 to Nishiuchi et al.; rejects claim 13

under 35 U.S.C. §103(a) over Hayashi in view of Spruit and U.S. Patent Application Publication No. 2005/0190677 A1 to Stebbings et al.; rejects claims 14 and 16 under 35 U.S.C. §103(a) over Hayashi in view of Stebbings; and rejects claim 15 under 35 U.S.C. §103(a) over Hayashi and Stebbings and further in view of U.S. Patent No. 6,407,969 to Spruit. The rejection of canceled claims 4, 5, 10, 15 are moot, and the rejection of claims 1-3, 6-9, 11-14 and 16 is respectfully traversed.

As agreed during the personal interview, none of the applied references teaches or suggests an optical disk "wherein the disk-specific identification information is recorded as an irreversible record mark on the flat portion adjacent to a recording track and at least one of the groovetrack and the landtrack," as recited in independent claim 1, and as similarly recited in independent claims 9 and 14 (emphasis added). That is, none of the applied references teaches or suggests disk-specific identification information that is recorded as an irreversible record mark on a track adjacent to a recording track, as recited in independent claims 1, 9 and 14.

Further, neither of the references teaches or suggests three different states of signal levels that are mixed in the amplitude fluctuation of an irreversible record mark recorded on a track adjacent to a recording track, as recited in independent claim 14.

Thus, for at least these reasons discussed above, discussed in the December 12, 2006 Amendment and discussed during the personal interview, independent claims 1, 9 and 14 are patentable over the applied references. Further, claims 2, 3 and 6-8, 11-13 and 16-18, which variously depend from claims 1, 9 and 14, are also patentable over the applied references for at least the reasons discussed above, discussed in the December 12, 2006 Amendment and discussed during the personal interview, as well as for the additional features they recite. Withdrawal of the rejections is thus respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Randi B. Isaacs
Registration No. 56,046

JAO:RBI/hms

Date: January 18, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
